

Application No. 10/734,149
Response dated October 24, 2005
Response to Action of October 12, 2005

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Remarks/Arguments

Claims 10 to 13, 16, 33, 38 to 40, 43 to 45, 49 to 51, 54 to 56, 58 to 60 and 63 to 75 are pending in the application.

No new matter has been added by the amendments made herein, further details of and support for which amendments are provided below.

Claim 54 has been amended by deletion of the word "vaccine" to meet the rejection thereof under 35 U.S.C. 112, second paragraph.

Claim 16, the sole independent claim, has been amended to require that the polypeptide recited in the claim be encoded by a nucleotide sequence that has at least 62.6% identity with the full length of SEQ ID NO:1.

Applicants respectfully submit that the amendment of claim 16 overcomes the rejection of claim 16, and all claims dependent thereon, under 35 U.S.C. 112, first paragraph for lack of enablement and description. In particular, specification of both the hybridization conditions and the sequence length over which the hybridization takes place permits the skilled person to make and use the hybridizing nucleic acids commensurate in scope with this claim without undue experimentation. This is supported by the description on pages 25 to 27 of the specification, as is possession of the claimed subject matter by Applicants.

Claims 38 and 39 have been amended to delete non-elected subject matter, and withdrawn claims have been canceled.

Housekeeping amendments have been made to claims 49 and 50, and dependencies of claims 12, 13, 38, 39 and 45 have been amended.

New claims 63 to 75, all of which are dependent claims reciting previously claimed elements, are submitted for consideration by the Examiner. In particular, support for

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elements of the claims as amended can be found throughout the specification, and more specifically as follows:

<u>Claim(s)</u>	<u>Support</u>
63 to 67	Claim 54
68, 75	Claim 55
69 to 74	Claim 56

Applicants believe that the application is now in condition for allowance, and request same.

Any telephone call regarding this submission should be made to the undersigned at (416) 865-8121.

Yours very truly,



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October 24, 2005
Date

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